THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 22971 OF 2006

Dated 20th July, 2007

Between:

D.Venkata Subbaiah

…Petitioner

And

Kurnool Municipal Corporation,
Kurnool, represented by its Commissioner.

…Respondent.

ORAL ORDER:

It is submitted by the learned counsel for the petitioner as well as the learned Standing Counsel for the respondent-Corporation that the subject matter of the writ petition is covered by the judgment of this court passed in Writ Petition No.1831 of 2006 on 24.3.2006.

This writ petition is filed for a direction to the respondent to grant permission for construction of building without insisting upon the No Objection Certificate from the District Collector, when the petitioner was asked to get No Objection Certificate from the District Collector, Kurnool for taking further action on his application dated 15.5.2006 for grant of permission for construction of building.

Earlier against the same Municipal Corporation, when such No Objection Certificate was insisted from the revenue authorities, one of the applicants approached this court in Writ Petition No.1831 of 2006, wherein, this court by order dated 24.3.2006 relying on the earlier judgment of this court in **Hyderabad Potteries Private Limited v. District Collector, Hyderabad**[1] granted directions to consider and dispose of the application of the petitioner seeking permission for construction of house in accordance with law without insisting upon NOC from the District Collector.

Following the above said judgment, this writ petition is also disposed of directing the respondent to consider the application of the petitioner in accordance with the provisions of the Hyderabad Municipal Corporation Act, which is extended to Municipal Corporation of Kurnool by the A.P.Municipal Corporations Act, and the bye-laws made thereunder. But, however, such consideration shall be without insisting on any No Objection Certificate from the District Collector.

Subject to above direction, the writ petition is disposed of. No costs.

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20-7-2007

R.SUBHASH REDDY, J.

VR.

Note:
Issue cc in three days.
(BO)
VR

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[1] 2001 (3) ALD 600